

**EXHIBIT – A**

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KEVIN STOCK  
COUNTY CLERK  
NO: 20-2-06682-1

The Honorable Bryan Chushcoff

SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

JEFFREY S. ALDAN,

Plaintiff,

vs.

NO. 20-2-06682-1

COMPLAINT FOR DAMAGES

HOME DEPOT U.S.A., INC., d/b/a THE  
HOME DEPOT #4720, a Foreign Corporation,

Defendant.

COMES NOW the plaintiff, Jeffrey S. Aldan, by and through his attorney of record, Daniel L. Hannula of Rush, Hannula, Harkins & Kyler, LLP, and Michael S. Clark of the Law Offices of Krupa & Clark, and for cause of action against the defendant, states and alleges as follows:

I.

The Court has jurisdiction over the parties hereto and the subject matter herein.

II.

At all times material hereto, plaintiff Jeffrey S. Aldan, resided in Pierce County, Washington.

III.

At all times material hereto, defendant Home Depot U.S.A., Inc., doing business

COMPLAINT FOR DAMAGES - 1

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1 as The Home Depot #4720, was a foreign corporation organized under the laws of the  
 2 State of Delaware, and conducting operations in Pierce County, Washington. At all  
 3 times material hereto, defendant Home Depot U.S.A., Inc., doing business as The  
 4 Home Depot #4720, owned, operated, and maintained a retail store located at  
 5 4602 Center Street in Tacoma, Washington (hereinafter, "the Store"). All acts,  
 6 omissions, and conduct complained of herein were performed or committed by the  
 7 defendant's employees, representatives and/or agents, acting within the scope of their  
 8 employment and authority for which the defendant has legal liability.  
 9

#### 10 IV.

11 On or about November 7, 2017, plaintiff Jeffrey S. Aldan parked in the parking lot  
 12 of the defendant's Store as a business invitee for the purpose of unloading items from  
 13 the bed of his truck near the garage area of the store, when an employee of the  
 14 defendant's Store, carelessly pushing a heavy double-decker material cart, owned by  
 15 the defendant's Store, lost control of the cart, and the cart smashed into the back and  
 16 legs of Mr. Aldan, pinning plaintiff to his own truck.

#### 17 V.

18 Defendant Store, by and through its employee's operation of the heavy double-  
 19 decker material cart, and said employee's loss of control of the cart, was negligent.  
 20

#### 21 VI.

22 As a direct and proximate result of the defendant's negligence as alleged herein,  
 23 plaintiff Jeffrey S. Aldan suffered personal injuries and continues to suffer serious  
 24 personal injuries which may be permanent, disabling and long-lasting.  
 25

#### VIII.

As a further direct and proximate cause of the defendant's negligence as alleged

1 herein, plaintiff Jeffrey S. Aldan has incurred medical costs and expenses, may incur  
2 medical costs and expenses for future treatment, and has sustained and may incur  
3 other out-of-pocket costs, all in amounts to be proven at the time of trial.

4 IX.

5 As a further direct and proximate result of the defendant's negligence as alleged  
6 herein, plaintiff Jeffrey S. Aldan has sustained mental, physical, and emotional pain and  
7 suffering, will sustain mental, physical, and emotional pain and suffering in the future,  
8 and has suffered and will in the future suffer inconvenience, loss of enjoyment of life,  
9 disability, and disfigurement, loss of income and an impairment to his earning capacity,  
10 all in amounts to be proven at the time of trial.

11 WHEREFORE, plaintiff prays for judgment against the defendant as follows:

- 12 1. For all general and non-economic damages suffered by the plaintiff;  
13 2. For all special and economic damages suffered by the plaintiff;  
14 3. For pre-judgment interest on the liquidated sums;  
15 4. For all costs and disbursements incurred herein, including a reasonable  
16 attorney's fee; and,  
17 5. For such other relief as the Court deems just and equitable.

18 DATED this 29<sup>th</sup> day of June, 2020.

19  
20 RUSH, HANNULA, HARKINS & KYLER, LLP  
Attorneys for Plaintiffs

21  
22 By:   
Daniel L. Hannula, WSBA #7830

23  
24 By:   
Michael S. Clark, WSBA #23035